

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 1229 OF 1997

IN

SPECIAL CIVIL APPLICATION NO 6485 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

and

MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT HOTELS LTD.

Versus

THE GENERAL MANAGER,VADODARA TELEPHONES,

Appearance :

MR PRANAV G DESAI for Petitioner

Mr JAYANT PATEL for respondents.

CORAM : MR.JUSTICE C.K.THAKKER and

MISS JUSTICE R.M.DOSHIT

Date of decision: 09/10/97

ORAL JUDGEMENT

Appeal admitted. Mr. Jayant Patel, learned

advocate for the respondents appears and waives service of notice of admission. In the facts and circumstances of the case, the matter is taken up for final hearing.

Without expressing any opinion as to whether the matter could have been taken up by the learned Single Judge for hearing and decided on 15th August, 1997, which was a public holiday, in absence of the appellant or his counsel, in our opinion, the order passed by the learned Single Judge does not require interference on merits.

Though none was present on behalf of the petitioner-appellant, before the learned Single Judge, Mr. Jayant Patel was present on behalf of the authorities. In the light of the provisions of Section 7-B of the Indian Telegraphs Act, 1885, as interpreted by a Division Bench of this Court in GOVINDBHAI PREMJI BHAI CHOVIATIA VS CHIEF GENERAL MANAGER, 1996 (1) GLR, 413, the learned Single Judge held that an alternative remedy is available to the petitioner and it was not a fit case to exercise extraordinary jurisdiction under Article 226 of the Constitution of India.

Though a number of points were raised before us, in our opinion, the order passed by the learned Single Judge cannot be said to be illegal, contrary to law or otherwise improper. In the facts and circumstances of this case, in our view, no interference is called for. It is however, clarified that if the appellant approaches the authority under Section 7-B of the Act on or before 4th November, 1997, the authority will entertain an application and decide the same on merits without raising any objection as to limitation. It is directed that ad-interim relief granted by the learned Single Judge will continue to operate till then i.e. 4th November, 1997. This Letters Patent Appeal is accordingly disposed of. No order as to costs.

JOSHI